

**From:** Flaschen, Evan  
**To:** Mitchell, John; Wood, Trey  
**Cc:** Parham, David; Burns, Bob; Cohen, Jason; Kurtz, Marcy; John R. R. Ashmead; Mr. Benjamin Blaustein; Donahue, Lisa; Christensen, Esben; JDolphin@amausa.com; kbecker@amausa.com; zchandis@amausa.com; PLeand@amausa.com; ckelley@mayerbrown.com; fhyman@mayerbrown.com; csnow@gardere.com; mlotito@mayerbrown.com; Parham, David; Shirley, Rosa A; ecolumbus@winstead.com; mferris@winstead.com; aestaba@gardere.com; pmclauchlan@gardere.com; jmelko@gardere.com  
**Subject:** Re: ECB / Nasatel  
**Date:** Friday, October 11, 2013 9:37:48 PM

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We do not control NASATEL, ECB or Avantgarde. If you insist on seeking discovery from them, you can find NASATEL's and ECB's addresses on their websites, although please note it is a religious holiday in the Middle East. We will also seek damages from you if you "spook" them, as we warned before and again in court.

Evan Flaschen  
Bracewell & Giuliani LLP

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**From:** Mitchell, John  
**Sent:** Friday, October 11, 2013 6:44 PM  
**To:** Flaschen, Evan; Wood, Trey  
**Cc:** Parham, David; Burns, Bob; Cohen, Jason; Kurtz, Marcy; John R. R. Ashmead; Mr. Benjamin Blaustein; Donahue, Lisa; Christensen, Esben; JDolphin@amausa.com; kbecker@amausa.com; zchandis@amausa.com; PLeand@amausa.com; ckelley@mayerbrown.com; fhyman@mayerbrown.com; csnow@gardere.com; mlotito@mayerbrown.com; Parham, David; Shirley, Rosa A; ecolumbus@winstead.com; mferris@winstead.com; aestaba@gardere.com; pmclauchlan@gardere.com; jmelko@gardere.com  
**Subject:** RE: ECB / Nasatel

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Evan,

The Lenders want to take the 2004 Examination of ECB, Nasatel, and Avante Guard. Cathay and Sinopac alerted this to you back on August 28, 2013, and in light of the Debtors' protests, Cathay and Sinopac agreed not to seek discovery from ECB, Nasatel and Avante Guard, at that time. In the interest of time, I have attached the 2004 Exam Notice that I was going to serve on Nasatel last month. This, of course, needs to be updated for events that have occurred in the interim, such as the usage rates of the vessels, the concerns over the carrying of Iranian crude, and the arrearages in payment of receivables.

The Lenders will need discovery from ECB, Nasatel, and Avante Guard prior to any additional hearing on interim DIP financing (other than the October 15 hearing). Accordingly, if agreement cannot be reached with the Debtors, the Lenders will take this issue up with the Court on Tuesday, October 15.

I can be reached this weekend to discuss, as needed. Please feel free to email or call me at 214.978.3037.

I look forward to hearing from you.

John

John E. Mitchell  
Partner  
Baker & McKenzie LLP



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[www.bakermckenzie.com](http://www.bakermckenzie.com)

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**From:** Flaschen, Evan [<mailto:Evan.Flaschen@bgllp.com>]  
**Sent:** Thursday, August 29, 2013 4:59 PM  
**To:** Wood, Trey; Mitchell, John  
**Cc:** Parham, David; Burns, Bob; Cohen, Jason; Kurtz, Marcy; John R. R. Ashmead; Mr. Benjamin Blaustein; Donahue, Lisa; Christensen, Esben  
**Subject:** Re: ECB / Nasatel

This would be declaration of outright war. ECB has already paid us \$2 million and this would be a transparent and malicious effort to scare away an excellent customer.

Note that I have copied the Committee on this as I have no doubt they will join the Debtors in seeking immediate relief against this.

Evan Flaschen  
Bracewell & Giuliani LLP

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**From:** Wood, Trey  
**Sent:** Thursday, August 29, 2013 5:55 PM  
**To:** Mitchell, John  
**Cc:** Parham, David; Burns, Bob; Cohen, Jason; Kurtz, Marcy; Flaschen, Evan  
**Subject:** RE: ECB / Nasatel

After you discuss with your bank group, please let me know if they still intend to proceed with the service of a 2004 exam. We want to have the opportunity to have an emergency hearing with the court on a motion for protective order before the notice goes out because of the potential damage the mere service could have on our business relationships with ECB/Nasatel. Sadly it appears that the bank group intentionally waited until after today's hearing to advise me of their intention to request the 2004 exam. You indicated that "you were assigned to work on the 2004 exam yesterday because you were not in court yesterday" so you could have told me when we spoke earlier today. If I had been advised I would have raised our concerns with the court today and I certainly would have never announced today that we were not going forward with stay violation hearings next week. All rights are reserved. To be clear, our strong preference remains to put our swords down but it has to be a two way street. Thanks. Trey.

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**From:** Mitchell, John [<mailto:John.Mitchell@bakermckenzie.com>]  
**Sent:** Thursday, August 29, 2013 4:18 PM  
**To:** Wood, Trey  
**Cc:** Parham, David  
**Subject:** ECB / Nasatel

Trey,  
Please give me a call when you get a sec.

Thanks.  
John

John E. Mitchell  
Partner  
Baker & McKenzie LLP  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In Re:	§	Chapter 11
	§	
TMT PROCUREMENT CORPORATION,	§	Case No. 13-33763
<i>et al.</i> ,	§	
	§	Jointly Administered
Debtors. <sup>1</sup>	§	
	§	

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**NOTICE OF 2004 EXAM OF NASATEL GENERAL TRADING  
BY CATHAY UNITED BANK AND BANK SINOPAC**

**TO:** Nasatel General Trading (a/k/a "ECB")  
#205, Damas Building  
Maktoum Street  
Dubai, UAE

**PLEASE TAKE NOTICE** that, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure and Rule 30(b)(6) of the Federal Rules of Civil Procedure, made applicable herein by Rules 9014 and 7030 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), Cathay United Bank ("Cathay") and Bank Sinopac ("Sinopac"), by and through their undersigned counsel, shall take the deposition by oral examination of witness(es) designated by Nasatel General Trading ("Nasatel") to testify on its behalf pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure (the "Federal Rules") with respect to the topics set forth in the attached Exhibit A. The deposition will take place on **September 17, 2013 at 9:00 a.m. (CDT)** or such date, time and location as the parties agree, or as the Bankruptcy

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<sup>1</sup> The Debtors in these Chapter 11 cases are: (1) A Whale Corporation; (2) B Whale Corporation; (3) C Whale Corporation; (4) D Whale Corporation; (5) E Whale Corporation; (6) G Whale Corporation; (7) H Whale Corporation; (8) A Duckling Corporation; (9) F Elephant Corporation; (10) A Ladybug Corporation; (11) C Ladybug Corporation; (12) D Ladybug Corporation; (13) A Handy Corporation; (14) B Handy Corporation; (15) C Handy Corporation; (16) B Max Corporation; (17) New Flagship Investment Co., Ltd; (18) RoRo Line Corporation; (19) Ugly Duckling Holding Corporation; (20) Great Elephant Corporation; and (21) TMT Procurement Corporation (each a "Debtor" and collectively the "Debtors").

Court so orders, at the offices of **Baker & McKenzie LLP, 700 Louisiana Street, Suite 3000, Houston, Texas 77002.**

Nasatel is requested to provide to counsel to Cathay and Sinopac, as soon as reasonably possible, a written designation of the name(s) and position(s) of the agent(s) or other person(s) who consent to testify on behalf of Nasatel, and for each person so designated, the matters set forth in the attached Exhibit A as to which the designee will testify.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Federal Rule 30(b)(2), the deponent(s) shall produce at **Baker & McKenzie LLP, 700 Louisiana Street, Suite 3000, Houston Texas 77002** by no later than **September 13, 2013**, the following documents:

1) All documents, emails and other written or electronic communications related to the Memorandum of Understanding (“MOU”) attached hereto as Exhibit B;

2) All financial statements for Nasatel and “ECB International, LLC” (“ECB”) for the past three (3) years;

3) All memorandums of understanding, charter agreements, bareboat charters and other documents related to any proposed, planned or current use of any of the following vessels:

*A Whale,  
B Whale,  
C Whale,  
D Whale,  
E Whale,  
F Whale,  
G Whale,  
E Elephant, or  
Fortune Elephant;*

4) All documents, emails and other written or electronic communications related to revenue that has been or will be generated by the vessels identified on Schedule-A to the MOU, the *C Whale, Fortune Elephant*, or any equivalent nominated ships;

5) All documents, emails and other written or electronic communications related to obligations owed payments made by Nasatel or ECB, to Blue Whale Corporation (“Blue Whale”), pursuant to the MOU, or any other agreement or arrangement;

6) All documents evidencing or otherwise related to the equity ownership of Nasatel or ECB, to include any affiliation with the Debtors, Hsin Chi Su (“Nobu Su”) or Nobu Su’s family and relatives;

7) All documents related to Nasatel’s or ECB’s past and current business relationships with Nobu Su, the Debtors, Blue Whale, or any affiliates or relatives thereof;

8) All documents related to Nasatel’s or ECB’s history of chartering VLCC’s or other oil tankers; and

9) All documents or written or electronic communications, in any way related to the engagement by the Libya Naval Forces of the *A Whale*.

The deposition will proceed before a notary public, in and for the State of Texas, or before some other officer authorized by law to administer oaths. The deposition shall continue day to day until it is completed and will be recorded by stenographic means. All parties are invited to attend and cross-examine.

Dated: August 30, 2013  
Dallas, Texas

**BAKER & MCKENZIE LLP**

By: /s/ John E. Mitchell  
David W. Parham  
Texas State Bar No. 15459500  
John E. Mitchell  
Texas State Bar No. 00797095  
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*Attorneys for Cathay United Bank and Bank  
Sinopac*

**EXHIBIT A - TOPICS OF EXAMINATION**

1. Any topics related to the documents requested in this Notice.
2. The MOU.
3. All plans for operations or use of the vessels identified on Schedule-A to the MOU or any substitute vessels.
4. Any intent by Blue Whale, Nasatel or ECB to nominate the *Fortune Elephant*, *C Whale* or any other vessels as an “equivalent” pursuant to the MOU.
5. All revenues to be earned by Blue Whale pursuant to the MOU or any other charter agreement or arrangement with any vessel owned by any Debtor.
6. The assault on the *A Whale* by Lybian Naval Forces.
7. All revenues earned by the Blue Whale pursuant to the MOU or any other charter agreement or arrangement with any vessel owned by any Debtor.
8. All amounts paid to Blue Whale pursuant to the MOU or any other charter agreement or arrangement with any vessel owned by any Debtor.
9. The business operations of Nasatel or ECB for the past three (3) years.